IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 133 of 2003.

Decided on: 11.10.2007.

Power Grid Corporation of India. … … Petitioner.

Versus

Basant Singh & Others. … … Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?[1] *No.*

For the Petitioner: **Mr. Bimal Gupta, Advocate.**

For Respondents No.1 to 4: **Ms. Jyotsna Rewal Dua, Advocate.**

Rajiv Sharma, Judge:

A challenge has been laid to the award/judgment passed by the District Judge, Sirmour District at Nahan on 7.12.2002 in petition No.155-CM/6 of 2000.

The brief facts necessary for the adjudication of this petition are that the land of the respondent No.1 and proforma respondents No. 2 to 4 was utilized by the petitioner for the construction of tower line which resulted in damage to their crops. The respondent No.1 had filed petition under Section 16(3) of the Telegraph Act claiming compensation to the tune of Rs.5,00,000/- from the petitioner. The respondents No.2 to 4 were added as proforma respondents in the petition. The learned District Judge had framed the following issues:-

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Whether reporters of local papers may be allowed to see the judgment? No.

"1. To what amount the petitioner is entitled to receive as compensation? …OPP.

2. Whether Sh. N.S. Laspal, Senior Engineer has been duly authorised to sign the reply on behalf of respondent No.1, if not its effect? …OPR-1.

3. Relief."

The learned District Judge had recorded the following findings on the issues framed:-

Issue No.1: Rs.24,000/-

Issue No.2: Yes.

Issue No.3: Petition allowed as per operative part of the AWARD/JUDGMENT.

The learned District Judge had awarded a sum of Rs.24,000/- to the petitioner with interest at the rate of 9 per cent per annum from the date of possession till the date of payment vide award dated 7th December, 2002.

Mr. Bimal Gupta, Advocate had strenuously argued that the judgment/award dated 7.12.2002 is not sustainable in the eyes of law since the learned District Judge has mis-read and mis-appreciated the evidence led by the parties. Ms. Jyotsna Rewal Dua, Advocate had supported the award/judgment dated 7th December, 2002.

I have heard the learned counsel for the parties and have also gone through the record carefully.

The controversy before the learned District Judge was with regard to non-payment of compensation for Khasra Nos. 269 and 455 which were utilized for the construction of tower lines by the petitioner. The respondents had produced three PWs. Including Halqua Patwari Kamlesh Kumar who has assessed the average sale of the land in the area. The petitioner had produced two RWs., namely, N.S. Laspal and Shri H.R. Chaudhary. The learned District Judge on the basis of the

revenue record produced by the respondents, more particularly the Khasra Girdawari and tatima had come to just conclusion that the petitioner had constructed tower line over the land measuring two biswas owned by the respndents. The learned District Judge had rightly dis-believed the version of RW-1, Shri N.S. Laspal that the compensation was ever paid to the claimants. The claimants have been rightly held entitled to a sum of Rs.24,000/- towards compensation on the basis of one year average sale of land in village Dharoli and village Nati. There is neither any jurisdictional error nor any procedural irregularity in the award/judgment passed by the learned District Judge.

Accordingly, the writ petition is dismissed being devoid of any merit. The award dated 7.12.2002 is up-held. The Registry is directed to release the amount lying deposited in the Registry in favour of the claimants. No order as to costs.

(Rajiv Sharma), Judge

October 11, 2007.
(sck).